

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Billy Cepero,
5 Petitioner

6 v.

7 Brian Williams, et al.,
8 Respondents
9

2:14-cv-01397-JAD-PAL

Order

[ECF Nos. 26, 27]

10 I dismissed this action with prejudice because it was untimely, and I declined to issue a
11 certificate of appealability.¹ Now petitioner Billy Cepero asks me to reconsider my dismissal,²
12 and he moves for an extension of time to file a petition for a certificate of appealability.³ I deny
13 the time-extension motion for two reasons: (1) Cepero has not yet filed a notice of appeal, and
14 (2) I already declined to issue a certificate of appealability. If Cepero wants to appeal my
15 decision, he needs to ask the court of appeals for a certificate of appealability, not me.

16 I also deny Cepero's motion for reconsideration because he has not demonstrated new
17 evidence, fraud, or a mistake by the court. Cepero merely repeats the same arguments that I
18 already considered and rejected. His contentions are more appropriate for appellate review than a
19 motion for reconsideration.⁴

20 It is unclear whether Cepero is represented by counsel because Cepero filed his most
21 recent motions pro se. The court will send a copy of this order to Cepero at the address he has
22 given in another civil action.
23

24 ¹ ECF No. 24.

25 ² ECF No. 27.

26 ³ ECF No. 26.

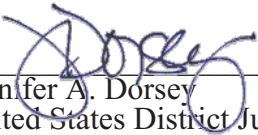
27 ⁴ See *McCarthy v. Mayo*, 827 F.2d 1310, 1318 (9th Cir. 1987); see also *Plotkin v. Pacific Tel.*
28 *and Tel. Co.*, 688 F.2d 1291, 1293 (9th Cir. 1982).

1 Accordingly, IT IS HEREBY ORDERED that Cepero's motion for extension of time
2 **[ECF No. 26] is DENIED.**

3 IT IS FURTHER ORDERED that Cepero's motion for reconsideration **[ECF No. 27] is**
4 **DENIED.**

5 The **Clerk of Court** is directed to **MAIL a copy of this order to Billy Cepero, #94730,**
6 **Ely State Prison, PO Box 1989, Ely, NV 89301.**

7 DATED: November 13, 2017.

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Jennifer A. Dorsey
United States District Judge